

Creating Quality Communities



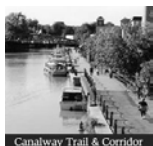
Tools and Strategies for Municipalities

Course Objectives

- Define Smart Growth and Quality Communities
- Review and Illustrate Key Principles
- Highlight Selected Planning and Land Use Tools
 - The Official Map
 - Cluster Development
 - Incentive Zoning
 - Planned Unit Development
 - Performance Zoning
 - Transfer of Development Rights
- Inspire Innovative Solutions in Community Planning and Development

What is "Smart Growth"?

Smart Growth means making wise land development and conservation choices and is measured by its outcomes on the landscape, including:



Reinforcement of historic development *patterns*: compact community centers with mixed uses

Conservation of open spaces, natural beauty, and sensitive environmental areas

Provision of a variety of transportation choices, including walkable *neighborhoods*

Creation a *diversity* of housing opportunities and choices

Balanced growth that reflects a *sense of place* and efficiently uses public utilities and services

Community *collaboration* in the decision-making process

Smart Growth is the opposite of S-P-R-A-W-L

Sprawl is dispersed, auto-dependent development outside of compact urban and village centers, along highways, and in rural countryside and is typically characterized by...

Excessive land consumption
Low densities in comparison with older centers
Lack of choice in ways to travel
Fragmented open space, wide gaps between development and a scattered appearance
Lack of choice in housing types
Separation of uses into distinct areas
Repetitive one-story development
Commercial buildings surrounded by acres of parking
Lack of public spaces and community centers



<http://science.nasa.gov>



www.pbs.org/itvs/storewars/sprawl.html

Illustrative Principles

Eastgate Mall, Chatanooga, Tenn. Proposed Redevelopment

Sprawl ← → Smart Growth



- ✓ Auto Dependency
- ✓ Lack of Human Scale
- ✓ Single-story Development
- ✓ Excessive Pavement



- ✓ Walkability
- ✓ Proportioned Spaces
- ✓ Density & Hierarchy
- ✓ Outdoor Amenities

What is a Quality Community?

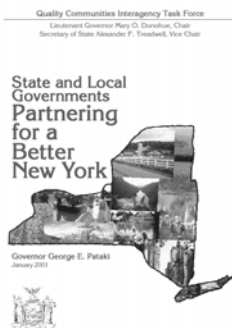
“ It is a safe family environment, it's a vitality and community pride with the residents, it is community involvement with a strong rapport with local officials. It is growth in accordance with local plans and policies, it's concern for the environment. It's protection for the character of our communities. It's a place we call home.”



Bill Carpenter, Supervisor of the Town of Pittsford

New York State's Quality Communities Initiative is unique in many ways, including...

- The 41 recommendations of the QC Report were created through a roundtable process
- New York State has over 1600 local governments and a diversity of landscapes
- Develops "bottom-up" strategies through intergovernmental partnerships
- The QC Report is not limited to land use policies, building codes, and sprawl related actions



Quality Communities Resources



- Task Force Report
- Clearinghouse Website
- Technical Assistance

- Inventory of State Programs
- Conferences
- Newsletter
- Governor's Awards for Excellence

First Call for Nominations
2004 NYS Governor's Quality Communities Awards for Excellence

These awards recognize municipalities, neighborhoods, organizations and citizens who have embraced the principles of Quality Communities and improved the quality of life in their hometowns and New York State. Awards will be presented at the "QC+SG..." Quality Communities-Quality Counts and Smart Growth Conference May 25-26, 2004. For more information and nominating forms please call 518-486-9888 or email comarphy@state.ny.us.

The QC+SG... Conference will take an in-depth look at topics related to smart growth and downtown revitalization and related subjects like land and water planning, economic revitalization, environment and development, technology, and the process for bringing people and organizations together to create and sustain a vision. Information and updates are available at www.dos.state.ny.us.

Empire State Plaza Convention Center
 Albany, NY
 May 25 & 26, 2004
SAVE THESE DATES!

Quality Communities Principles

- Revitalize Downtowns and Community Centers
- Promote Agriculture and Farmland Protection
- Conserve Open Space and Environmental Resources



www.pedbikeimages.org

- Enhance Transportation Choices and Create More Liveable Neighborhoods
- Encourage Sustainable Development
- Strengthen Intergovernmental Partnerships
- Help Create, Implement and Sustain the Vision of a Quality Community

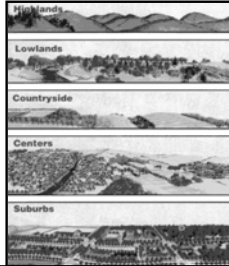
Greenway Connections - Dutchess County

A sourcebook encouraging & guiding communities to:

- Recognize landscape patterns and build a network of connections
- Work with their neighbors
- Think regionally, act locally
- Consider joining the Hudson River Valley Greenway



www.co.dutchess.ny.us/Environment/LandPres/ELPgreenwayguide.htm

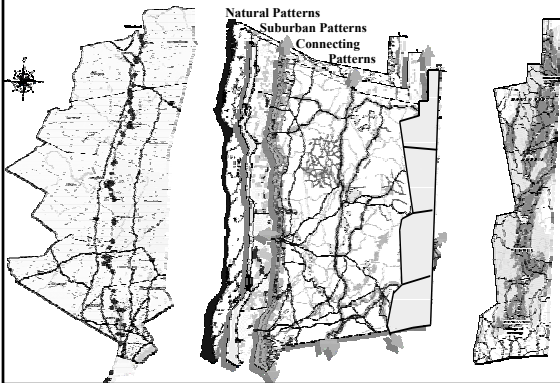


Strengthen Intergovernmental Partnerships

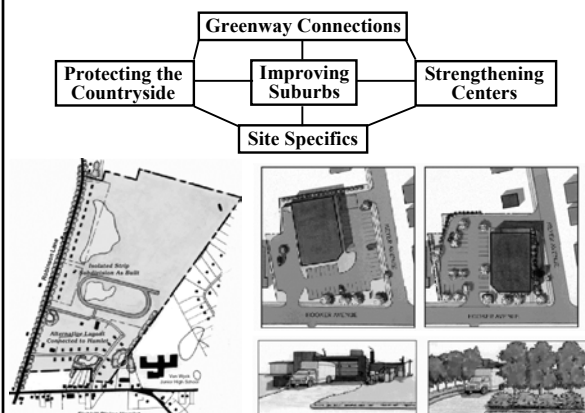
"Because complex growth and development issues transcend community boundaries, the fostering of inter-municipal cooperation will improve delivery of State and local services"-QC Report

Pattern and Scale

Regional ← County → Local

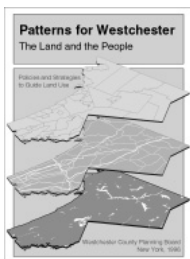


The Guides



Patterns for Westchester

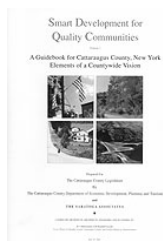
- Sets strategies for sustainable development in accordance with overlay patterns
- Three Pillars
 - Redevelopment & investment in centers & downtowns
 - Reshaping existing corridors
 - Sustaining and enhancing open space
- Promotes intermunicipal co-op/concept of subregions



www.westchestergov.com/planning/regionalplan

Cattaraugus County Guidebook Series “Smart Development for Quality Communities”

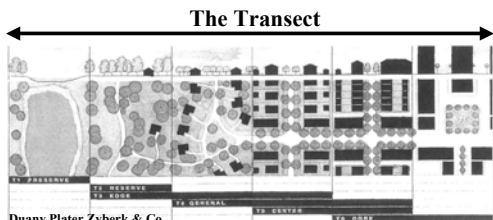
- Countywide Vision
- Design Guidebook for Towns & Villages
- Revitalization Strategies for 3 Villages
- Regional Trail Network
- Gateway Community Strategies
 - Design
 - Marketing Analysis
 - Case Studies



www.co.cattaraugus.ny.us/planning-board/guide_books.asp

Onondaga County Settlement Plan

- Developed by New Urbanists - Duany Plater Zyberk & Co. Design
- Major Components
 - Regional Plan and Pilot Projects
 - Traditional Neighborhood Development (TND) Guidelines
 - TND Code



Duany Plater Zyberk & Co.
www.syracusesthenandnow.net/SettlementPlan/SettlementPlan.htm

Tompkins County

Vital Communities Toolbox

- An extensive listing of resources with introductory descriptions
- Organized by 7 themes, with sub-principles and cross-referencing
- Links for further assistance and information
- e.g. County Natural Resource Inventory



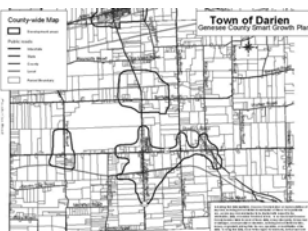
www.co.tompkins.ny.us/planning/vct/

Genesee County Smart Growth Plan

“Focus County resources to support economic development opportunities in the most promising locations;

Encourage the revitalization of existing industrial areas, business districts, and residential neighborhoods...

Protect farmland and the rural character of the countryside, and maintain the viability of agriculture”



- Development areas focused around highway interchanges, airport, City of Batavia
- County water extensions designed to provide service to these areas
- Coordinated with local Comp. Plans

www.co.genesee.ny.us/dpt/planning

The Official Map



Town Law §270, §273, §280, §280-A, & §281
Village Law §7-724, §7-734, & §7-736
General City Law §26, §29, §35, §35-A, & §36
General Municipal Law §239-e & §239-f

- A tool for municipalities to identify current and future right-of-ways for streets, highways, parks, and drainage systems
- Land reserved on the Official Map for future facilities cannot be used for other purposes without the consent of the municipality
- In certain cases the Board of Appeals can grant relief to the requirements of the Official Map
- The Official Map can play an important role in implementing the Comprehensive Plan – gives form to vision

Official Map

Adoption requires

- Public hearing with 10 days' prior notice
- Referral to planning board
- Filing of certificate with county clerk or registrar



NY courts - historically supportive of constitutionality unless official mapping deprived a property owner of all economic use/takings

Leading constitutionality test case in NYS: *Headley v. City of Rochester*, 272 N.Y. 197, 5N.E.2d 198 (1936)

An Official Map Can Influence Subdivision Design

BARRIERS



► No through streets or walkways

Walking is made difficult when streets look like spaghetti and there are no paths that take you directly to your destination.

SOLUTIONS



► Through streets

Streets or paths which connect to multiple destinations encourage walking. In these neighborhoods, people walk up to 3 times as often.

Source: Local Government Commission Center for Livable Communities

Official Map Success Story

Town of Niskayuna

Adopted official map circa 1973 with roads and bike path sketched through town center

Town was flexible and worked with developers over time; town center approximately 80% complete (planned community)

Town gets properly located road and bike path

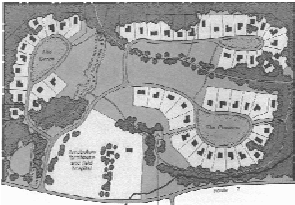
Developers get less delay in review process and homes are more valuable with amenities

Residents get walkable, safe community

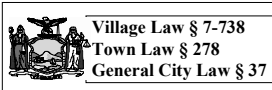


Cluster Development

A modification of the zoning regulations to provide an alternative method for the layout, configuration and design of lots in order to preserve open land



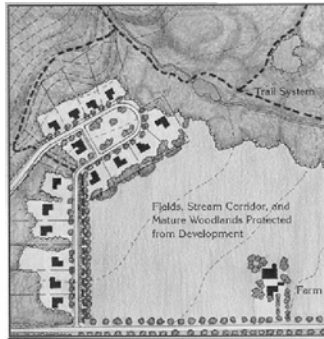
Arendt, Randall. Conservation Design for Subdivisions



- The Planning Board must have specific authorization to review cluster developments
- Zoning regulations may designate specific districts where cluster development is authorized
- The number of lots in a cluster development may not exceed the number of lots if developed conventionally

Benefits of Clustering

- Allows for the more creative and/or efficient use of land
- Preserves the value of the land for development while protecting agricultural or open land
- Reduces lengths of streets and utilities and the cost of maintenance
- Increases and permanently protects open space
- Creates opportunities for pedestrians



Source: Dutchess Co. Greenway Connections

Neighborhood Design



Traditional Large-Lot Development

- Characterized by:
- Roads
 - Garages
 - Large Lots
 - Lack of sidewalks & trees



<http://www.plannersweb.com/articles/are015.html>

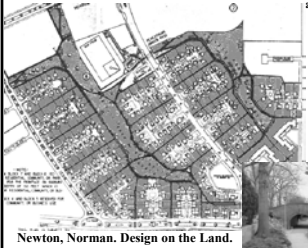
Cluster Development

Characterized by:

- Sidewalks
- Porches
- Narrow Setbacks
- Street Trees

Community-Wide Design

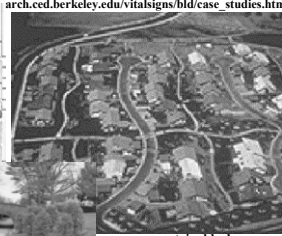
Pedestrian Connections



Radburn, NJ
(Stein & Wright)



Village Homes
Davis, CA



www.sustainable.doe.gov/landuse/lusstoc.shtml

www.radburn.org

Incentive Zoning

An innovative and flexible technique providing a system of exchanging bonuses for community amenities



Town Law § 261-b
Village Law § 7-703
General City § Law 81-d

Bonuses for the developer may include adjustments to the permissible density, area, height, open space, use or other provisions of the zoning

Amenities for the community may include parks, low-moderate income housing, public access to recreation sites, or when amenities not feasible, cash payments



✓ Incentive Zoning can increase the potential for development to occur in certain locations

✓ Incentive zoning can be an effective means of implementing goals of the comprehensive plan

Adopting Incentive Zoning

- Governing board amends the zoning law to include the incentive system
- Zoning districts where incentives can be awarded are designated
- Findings made showing designated districts can absorb the development authorized by the incentives
- A generic environmental impact statement (GEIS) is prepared
- Procedures set for exchange system:
 - defines incentives & amenities
 - establishes criteria for approval
 - describes procedure for obtaining bonuses
- Evaluate impact on development of affordable housing
- Establish requirements for "cash in lieu of" when provision of amenity is not feasible



Planned Unit Development



Town Law § 261-e
Village Law § 7-703-a
General City Law § 81-f

A zoning technique allowing development of a tract of land in a comprehensive unified manner and as a "unit".

- Provides greater flexibility of design by allowing deviations to the development standards
- May allow a mix of uses, densities, and building types
- Often established on a case-by-case basis using a "floating zone" process



www.ci.auburn.ny.us

Planned Unit Development

Review Criteria – Examples

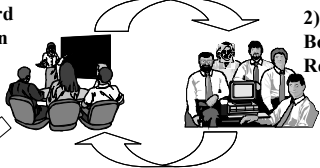
- Parcel size
- Percentage of open space
- Ownership of open space
- Building dimensions
- Distances between buildings
- Width of buffer zones
- Location of access points
- Preservation of existing features
- Water supply sources
- Sewage disposal methods
- Compatibility with surrounding land uses
- Harmony with comprehensive plan

Common Process

1) Planning Board Reviews Site Plan

2) Legislative Board Rezones

3) Planning Board Makes Decision

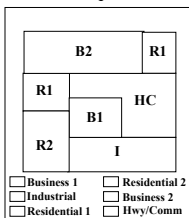


Performance Zoning

Performance standards allow flexibility in the zoning regulations by measuring the *intensity* of impacts or effects of a use rather than basing the regulations on the *type* of use or strict *numerical limits* on building size, density, or location

Traditional System

- Districts
- Allowed Uses
- Area Requirements



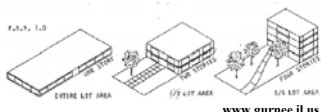
Performance System

- Zoning regulations specify thresholds

E.g. noise, traffic, dust, odor

- Ratios are also used to set thresholds

E.g. Floor Area Ratio (FAR)



Using Performance Zoning

- Communities in New York have adopted performance standards for industrial districts

Noise, dust, glare, odor, vibration, traffic



- Managing impacts through ratios is used in combination with traditional zoning

For example, an Impervious Surface Ratio can result in innovative designs and reduce the impacts of stormwater runoff



Pervious Paving



Green Roofs



Bio-Retention Filter

Performance Zoning - Resources

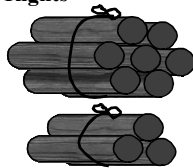
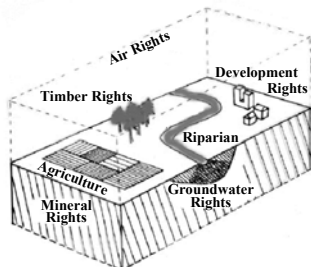
- American Planning Association (www.planning.org)
Planning Advisory Service (PAS) Reports
(Numbers 307, 308, 328, 338, 402, 405, 485)
- Lane Kendig, Inc. (www.lanekendig.com) (under development)
- Bucks County PA CodeSmart Communities Network – US Dept. of Energy www.sustainable.doe.gov/codes/bucks.shtml
- Communities who have adopted Performance Zoning
 - Fort Collins, Colorado
 - Bath Charter Township, Michigan
 - Breckenridge, Colorado
 - Buckingham Township, Pennsylvania
 - Largo, Florida
 - Duxbury, Massachusetts
 - Hardin, Kentucky
 - Fremont, Idaho

Staley, Samuel "Flexible Zoning: An Overview of the Issues," www.urbanfutures.org/r6897b.html

Transfer of Development Rights

Understanding Property Rights

Owning a piece of private property entitles the owner to a "bundle a rights"



In certain cases, rights may be sold or transferred

Development rights are those permitted by the local zoning regulations, including use, area, density, bulk, or height.

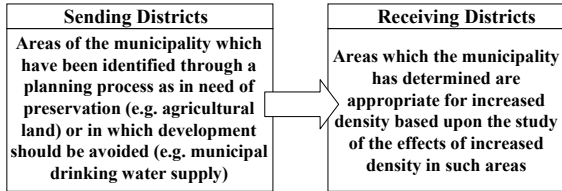
www.uwec.edu/geography/ivogeler/w270/bundleofrights.htm

Transfer of Development Rights



Town Law § 261-a
Village Law § 7-701
General City Law 20-f

TDR programs allow increased development in areas that a municipality has designated for development in return for preservation of places a community wants to protect



TDR Considerations

While TDR can Support Historical Growth Patterns ...



- ✓Protection of farmland
- ✓Increased development in existing centers



... TDR is a sophisticated land management tool requiring a high degree of staff experience and should only be considered after the municipality has conducted a thorough analysis of its implications



TDR – Statutory Requirements

A municipal TDR program is subject to several conditions, including:

- Sending and receiving districts are established in accordance with a Comprehensive Plan
- A Generic Environmental Impact Statement is prepared
- Sending and receiving districts mapped with specificity
- If sending and receiving districts are in different taxing districts, there must be a finding that the TDR program will not unreasonably transfer the tax burden between the taxpayers of such districts
- Placement of conservation easements on sending district properties (from which development rights have been transferred) and a certificate issued to the transferee
- Real property tax assessments for affected properties adjusted within one year of transfer
- Evaluation of the impact of a TDR on low & moderate income housing

Contacting the Department of State



- (518) 473-3355 Local Gov.
- (518) 474-6740 Legal
- (800) 367-8488
- Localgov@dos.state.ny.us

www.dos.state.ny.us



Recommendations

State Leadership, Interagency Collaboration and Assistance to Local Governments

Recommendation 1

New York should adopt a set of uniform Quality Communities Principles and the Governor should direct all executive agencies and personnel to utilize them in the implementation of State policies and programs and the allocation and administration of State resources related to the concept of building and sustaining quality communities.

Recommendation 2

Establish an interagency working group to advise about the incorporation of Quality Communities Principles into State agency programs, to identify appropriate federal and private partners and resources, to collaborate on conference planning and to continue discussion among agency personnel on quality communities projects.

Recommendation 3

Refocus State training and technical assistance programs for local officials to incorporate the Quality Communities Principles and to enhance local government capacity to adopt and adhere to such Principles in community planning and development.

Recommendation 4

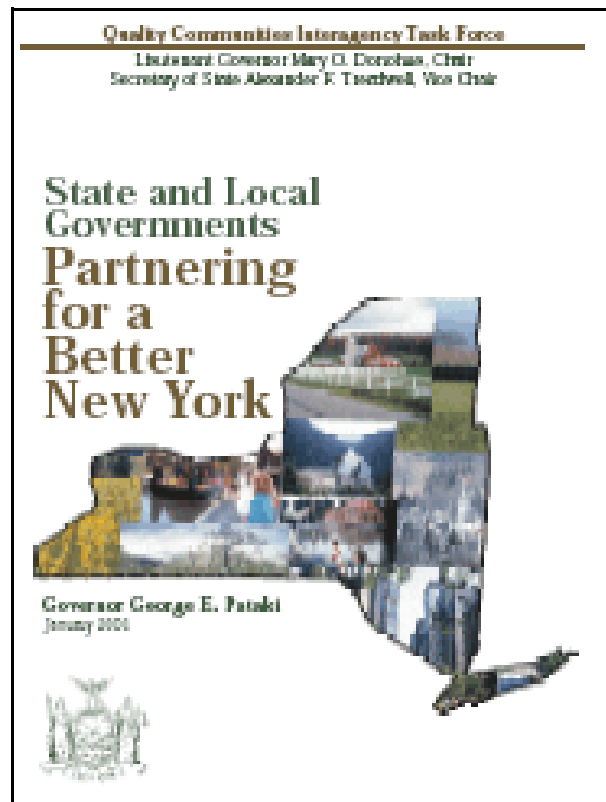
Review current policies and practices concerning State grants to local governments and not-for-profit organizations to increase accountability, recognize success and measure results for ongoing public participation.

Recommendation 5

Streamline the State grant application process by incorporating “Smart Paperwork” concepts so that local officials may complete one grant application to seek funding for programs which foster quality communities rather than submitting several applications to various agencies in the hopes of obtaining funding for a particular project.

Recommendation 6

Establish a State grant program, modeled after the Quality Communities Demonstration Grant program, to encourage municipalities to engage in comprehensive planning and to implement innovative projects which advance Quality Communities Principles.



Recommendation 7

Create the Governor's Quality Community Award for Excellence to recognize municipalities and neighborhoods which rise to the challenge and embrace the goals of Quality Communities.

Using Technology to Distribute Information, Create Development Tools and Eliminate Barriers to Quality Development

Recommendation 8

New York State should work with local governments to identify and inventory the availability of broadband infrastructure and to develop master plans to address gaps in services.

Recommendation 9

Enhance the work of the State's Office for Technology to establish a statewide Geographic Information System (GIS) as a sound and efficient research and planning tool for municipalities, planners, businesses and other interested parties. All local governments should be encouraged to participate in the GIS Data Sharing Cooperative to increase the amount and quality of available data layers.

Recommendation 10

Create a New York State Quality Communities centralized clearinghouse to maintain a website and provide local officials and citizens with instant access to data, programs and State resources useful for planning, developing and sustaining quality communities throughout the State.

Revitalizing Our Downtowns

Recommendation 11

Engage the professional expertise found at SUNY colleges and universities, businesses, not-for-profit organizations and private institutions in developing and implementing the community vision and conducting outreach programs to build local capacity and consensus.

Recommendation 12

Enhance Governor Pataki's Main Street initiative which encourages locating State facilities and offices in urban centers and promotes the use of public transportation by encouraging State employees to use tax-free commuter transit benefits.

Recommendation 13

Encourage businesses and individuals to participate in the revitalization of urban centers by providing tax incentives for private preservation of historic downtown architecture.

Recommendation 14

Maintain the historical and social prominence of neighborhood schools by making the facilities available for use by the community outside the regular school day.

Maintaining New York's Leadership in Open Space Conservation

Recommendation 15

Continue funding of open space protection and stewardship of locally significant open space, significant State open space and farmland protection.

Recommendation 16

Provide a Conservation Donor Credit to further the conservation goals of the State and its local governments by providing a tax credit to encourage landowners to donate real property or other interests in real property, such as conservation easements to nonprofit organizations or to governmental entities for conservation purposes.

Recommendation 17

Provide an important new open space conservation tool for local governments by authorizing the creation of open space districts.

Recommendation 18

Continue and enhance the dedicated funding source for the purchase of development rights on undeveloped lands, including farmland, and study alternative methods of protecting open space, particularly in areas not yet experiencing strong development pressure.

Recommendation 19

Explore the creation and funding of an innovative, voluntary transfer of development rights pilot project, operated by a municipality or coalition of municipalities, in conjunction with the implementation of regional farmland preservation and open space conservation plans.

Recommendation 20

Enhance incentives for brownfields redevelopment and hazardous waste site remediation to encourage development of land which is already developed and served by infrastructure.

The Renewal of New York Agriculture

Recommendation 21

Continue funding the Agricultural Environmental Management program to assist farmers with developing and implementing environmental management plans addressing critical nutrient management and water quality concerns.

Recommendation 22

Extend the Farm School Tax Credit to cover land rented for agricultural use.

Recommendation 23

Create a Farmland Restoration Tax Credit program.

Recommendation 24

Enact legislation to extend agricultural assessment eligibility to start-up farming operations and land rented to farmers which would otherwise be eligible for agricultural assessment.

Recommendation 25

Refocus Cooperative Extension services and resources to provide farm management assistance within a regional delivery system that provides business planning services for current farm operators and new agribusiness investors.

Recommendation 26

Request the New York State Advisory Council on Agriculture to consider the interaction and popularity of certain agricultural activities, such as farmers' markets and roadside stands, with land use policies.

Recommendation 27

Expand the Farm Viability Program to increase the benefits of implementation grants, strengthen the effectiveness of viability planning and support start-up operations.

Transportation Infrastructure: The Search for Quality in the Built Environment

Recommendation 28

State and local agencies and private utilities should coordinate highway improvement projects with community development plans to maximize use of road openings for infrastructure repairs, to bury cable lines and make aesthetic improvements while minimizing disruption to residents, businesses and visitors.

Recommendation 29

State agencies should take the lead in promoting the expanded use of clean fuel vehicles in New York.

Recommendation 30

Initiate a transit services coordination program to coordinate public and human services transportation in rural and small urbanized areas.

Recommendation 31

Continue to construct or rehabilitate new or existing intermodal transportation centers to address passenger needs and anticipated future growth.

Recommendation 32

Build upon existing State and local partnerships and expand efforts to accommodate bicycle and pedestrian access and mobility on all new and improved transportation facilities.

Recommendation 33

Continue to encourage community transportation planning and coordination.

Quality for All: Strengthening the Place We Call Home

Recommendation 34

Consider the creation of an employer-assisted housing program in New York that would provide incentives to private sector companies which successfully address regional jobs-housing imbalances.

Recommendation 35

Establish a “Revitalize Rural New York” program to serve the North Country and other rural areas of the State by improving the appearance, vitality and quality of life in their communities.

Recommendation 36

The State should foster collaboration among businesses, not-for-profit corporations and community and professional organizations to assist low and moderate income residents in their communities to obtain affordable housing by identifying and utilizing existing State and federal housing programs.

Recommendation 37

State decision makers should be cognizant of the impact their decisions will have throughout a community, region and the State.

Recommendation 38

Local government officials should take advantage of their ability to participate in the writing, review and implementation of the State’s Consolidated Plan for housing.

Economic Growth: Sustaining a Community

Recommendation 39

Amend the General Municipal Law to improve State guidelines for comprehensive planning and encourage local governments to engage in such planning as a foundation for economic and community development.

Recommendation 40

Encourage the use of shared services across municipal boundaries and the development of regional economic development alliances through the formation of inter-municipal agreements.

Recommendation 41

Coordinate existing State agency and university resources to create regional inventories and indicators to assist communities in understanding the economic profile of their region, to develop targeted strategies consistent with regional strengths and preferences, to facilitate the dissemination of economic development information, including industry cluster analyses, to assist local leaders in developing local plans and to establish a regional context for State and federal government actions.

THE THIRTEEN POINTS OF TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Developed By: Andres Duany & Elizabeth Plater-Zyberk Architects, Inc. (DPZ)

The social and environmental benefits of a Traditional Neighborhood Development (TND) result from certain physical and organizational characteristics. An authentic Neighborhood includes most of the following:

1. The Neighborhood has a discernible center. This is often a square or green, and sometimes a busy or memorable street intersection. A transit stop would be located at this center.
2. Most of the dwellings are within a five-minute walk of the center. This distance averages one-quarter of a mile.
3. There is a variety of dwelling types within the Neighborhood. These usually take the form of houses, rowhouses, and apartments, such that younger and older people, singles and families, the poor and the wealthy, may find places to live.
4. There are shops and offices at the edge of the Neighborhood. The shops should be sufficiently varied to supply the weekly needs of a household. A convenience store is the most important among them.
5. A small ancillary building is permitted within the backyard of each house. It may be used as one rental unit, or as a place to work.
6. There is an elementary school close enough so that most children can walk from their dwelling. This distance should not be more than one mile.
7. There are small playgrounds quite near every dwelling. This distance should not be more than one-eighth of a mile.
8. The streets within the Neighborhood are a connected network. This provides a variety of itineraries and disperses traffic congestion.
9. The streets are relatively narrow and shaded by rows of trees. This slows down the traffic, creating an environment for the pedestrian and the bicycle.
10. Buildings at the Neighborhood center are placed close to the street. This creates a strong sense of place.
11. Parking lots and garage doors rarely enfront the streets. Parking is relegated to the rear of the buildings, usually accessed by alleys.
12. Certain prominent sites are reserved for civic buildings. Buildings for meeting, education, religion, or culture are located at the termination of the street vistas or at the Neighborhood center.
13. The Neighborhood is organized to be self-governing. A formal association debates and decides on matters of maintenance, security and physical change.

Source: <http://www.newurbanist.com/newurban.htm>